

### REMARKS

In an Office Action dated June 17, 2005, the Examiner rejected claims 1-14 under 35 U.S.C. §102(a) as being anticipated by Chinitz et al. (U.S. patent no. 5,914,958, hereinafter referred to as "Chinitz"). The rejections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 1-14 under 35 U.S.C. §102(e) as being anticipated by Chinitz. Specifically, with respect to claim 1, the Examiner stated that Chinitz teaches receiving multiple uplink transmissions from multiple remote units (groups A-D) involved in a multicast session group call (col. 6, line 58- col. 7, line 9), determining the remote unit (group A-D) from the multiple remote units (group A-D), wherein the remote unit is determined based on an energy of the remote unit's uplink transmission (col. 7, lines 1-10; FIG. 5), and assigning the remote unit a high data rate uplink channel based on the determination (a common supplemental channel is assigned to the remote unit) (col. 7, lines 1-10; FIG. 5). The applicants respectfully disagree with the Examiner's interpretation of Chinitz.

Chinitz teaches an infrastructure that receives a request from a mobile station for a group call. In response to receiving the request, the infrastructure assigns a low rate inbound signaling link, that is, a control link, to the other members of the group and permits the group member setting up the call (the talker) to transmit over a full rate inbound link. The FIG. 5 referenced by the Examiner is just an example of one group member (group member D) talking over the inbound full rate link while the other group members or mobile stations (that is, group members A, B, and C) are connected to the infrastructure by inbound low rate signaling links. Chinitz says nothing concerning transmissions over these links or measuring an energy of such transmissions; instead, Chinitz merely discloses that the links are assigned to the group members. Furthermore, nowhere does Chinitz teach anything concerning determining a subset of multiple remote units based on an energy of transmissions by each remote unit via such links. In fact, in Chinitz, a talker and subgroup determination must be made prior to the assignment of the links to the remote units and therefore an energy of transmissions over such links cannot serve as a basis for making a talker and subgroup determination. The possibility that the

talker may have a higher energy link is the result of the link assignment, not the basis of the link assignment.

Furthermore, Chinitz merely teaches an assignment of a full rate channel to the talker. This is different from a high data rate channel and, notwithstanding the Examiner's contention, nowhere does Chinitz teach anything concerning an assignment of a common supplemental channel.

Therefore, Chinitz does not teach the limitations of claim 1 of determining the remote unit from the multiple remote units, wherein the remote unit is determined based on an energy of the remote unit's uplink transmission, and assigning the remote unit a high-data-rate uplink channel based on the determination. Accordingly, the applicants respectfully request that claim 1 may now be passed to allowance.

Since claims 2-6 depend upon allowable claim 1, the applicants respectfully request that claims 2-6 may now be passed to allowance.

Claim 7 provides for determining, from multiple uplink transmissions, a remote unit having a highest energy transmission and assigning the remote unit a second uplink communication signal based on the determination. As noted above, these limitations are nowhere taught by Chinitz. Accordingly, the applicants respectfully request that claim 7 may now be passed to allowance.

Since claims 8-10 depend upon allowable claim 7, the applicants respectfully request that claims 8-10 may now be passed to allowance.

Claim 11 provides a logic unit that assigns a remote unit a high speed data channel based on an energy of the remote unit's uplink transmission. As noted above, nowhere does Chinitz teach assigning a high speed data channel to a remote unit based on an energy of the remote unit's uplink transmission. Accordingly, the applicants respectfully request that claim 11 may now be passed to allowance.

Since claims 12-14 depend upon allowable claim 11, the applicant respectfully requests that claims 12-14 may now be passed to allowance.

As the applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,

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